REMARKS

In the Office Action, the Examiner reviewed claims 1-7, 9-26, and 28-30 of the above-identified US Patent Application, with the result that all of the claims were rejected under either 35 USC §102 or §103 in view of U.S. Patent No. 3,900,613 to Galmiche et al. (Galmiche). In response, Applicants have amended the claims as set forth above. More particularly:

The claims have been amended to clarify that the adhesive mixture is applied to at least one surface of the component.

New dependent claims 31, 32, and 33 have been presented to recite a limitation found in paragraph [0016] of the specification.

Applicants believe that the above amendments do not present new matter, and respectfully request reconsideration of the rejections for the following reasons.

Independent claims 1, 13, and 21 require the use of an activator that is dissolved and coheres the donor material and filler within the adhesive mixture used in Applicants' claimed process.

Under the §102 rejection, the Examiner cited Galmiche as teaching a process of forming a diffusion coating on a component that includes the step of "dissolving ammonium chloride activator in a solvent to form an activator solution." In support of this conclusion, the Examiner stated "Example I

comprises a step of dissolving ammonium chloride activator in solvent." However, Galmiche does not expressly state that any of the ammonium chloride used to form the mixture is ever dissolved, and the Examiner does not specify which of Galmiche's ingredients is the proposed solvent for the ammonium chloride. While Galmiche discloses that isopropyl alcohol and oleic acid are present in the mixture (column 6, lines 30-36), the Examiner has not established that either of these solvents is capable of dissolving ammonium chloride (e.g., to form a solution) to the extent that the dissolved ammonium chloride is capable of serving as a binder for Galmiche's mixture. Therefore, Applicants respectfully believe that the Examiner has not met the initial burden of establishing the rejection under 35 USC §102.

Also under the §102 rejection, the Examiner's explained that Galmiche's process yields an "adhesive mixture [that] does not contain an extraneous binder and the donor material and the filler within the adhesive mixture are cohered solely by the dissolved activator." In support of this conclusion, the Examiner explained:

> While the mixture of Galmiche et al. additionally includes a surface active agent such as oleic acid, it is noted that such a surface active agent would not cohere the filler and donor materials. To the contrary, Galmiche et al. teaches that the surface active agent is responsible for conferring thixotropic properties on the mixture. Therefore, the dissolved activator solution must solely cohere the filler and donor materials.

Applicants respectfully disagree that a "surface active agent" cannot be an agent that is active at the surface of a material in some manner that contributes at least some adhesion properties. Furthermore, according to the recitation of Galmiche's process at column 3, lines 1-45, the only ingredient to Galmiche's cement that is a liquid and therefore remotely capable of serving as a binder is the dissolved surface active agent. Therefore, if this rejection to be maintained, Applicants must respectfully ask that the Examiner cite authority that "such a surface active agent [as oleic acid] would not cohere the filler and donor materials."

In addition, the mere fact that Galmiche's "surface active agent is responsible for conferring thixotropic properties on the mixture" does not prevent it from also having countless other properties and functions, including adhesive properties that enable it to serve at least in part as a binder. Therefore, the Examiner's reasoning that a material with thixotropic properties cannot also have adhesive properties is technically flawed. If this rejection is maintained, Applicants must respectfully ask that the Examiner cite authority that adhesive and thixotropic properties are mutually exclusive properties.

Finally, Galmiche's examples for the surface active agents are "an acid having an ethylenic double bond such as an acid of the oleic, linoleic and recinoleic groups," which are all oily or viscous liquids and would therefore be

expected to have some adhesive properties.

For all of the above reasons, Applicants respectfully believe that Galmiche does not anticipate the claims rejected under 35 USC §102, namely, independent claims 1 and 21 and their dependent claims 2-5, 9, 11, 12, 22-25, 28, and 30. Applicants therefore respectfully request withdrawal of the §102 rejection.

Because the §103 rejection is based solely on Galmiche and therefore relies on the same teachings as those relied on to impose the §102 rejection, Applicants respectfully believe that Galmiche also does not obviate the claims rejected under 35 USC §103, namely, independent claim 13 and dependent claims 6, 7, 10, 14-20, 26, and 29.

Applicants also believe that Galmiche's teachings regarding the requirement for a thixotropic "surface active agent" to enable Galmiche's adhesive mixture to flow from the surface it was applied to other surfaces prior to the diffusion process (see, for example, column 2, lines 7-9) is contrary to the limitation recited in independent claim 13 that the adhesive mixture is applied to a ("at least one") surface and then dried on that same surface to form a solid pack that adheres to that same surface. This distinction is further emphasized in new claims 31, 32, and 33.

In addition, regarding Applicants' use of water as the solvent (claims 6, 13, and 26), the Examiner explained that "[i]t is noted that water is chemically similar to alcohols . . .. It would have been obvious to have used water as the solvent in the process of Galmiche et al." However, Galmiche's solvent is for the purpose of dissolving Galmiche's surface active agent, not Galmiche's halide activator. The Examiner has not established that one skilled in the art would find it obvious to use water instead of Galmiche's alcohol to dissolve Galmiche's surface active agents, the three examples of which are not soluble in water according to *Hawley's Condensed Chemical Dictionary*, Eleventh Edition (1987).

For the above reasons, Applicants also respectfully request withdrawal of the §103 rejection.

Closing

In view of the above, Applicants believe that the claims define patentable novelty over all the references, alone or in combination, of record. It is therefore respectfully requested that this patent application be given favorable reconsideration.

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,

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Attachments: Fee Transmittal form